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AN APOLOGY OF AN APPEALE.

ALSO AN EPISTLE TO THE TRUE-HEARTED NOBILITY.

By *Henry Burton*, Paſtor of S^t. *Matthewes Friday-Street.*

ACT. 25. 11.

No man may deliver me unto them: I appeale unto CÆSAR.

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AN
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THE TRUE-HEARTED
NOBILITY.

TO THE KINGS MOST EXCELLENT MAIESTIE.

MOST DEARE AND DREAD SOVERAIGNE,

When upon iuſt grounds (as I humbly conceive, and am confident) I appealed from Parties and Adverſaries to your Sacred Majeſtie for juſtice in ſo waighty a cauſe, as here is preſented before you: I thought long ere this to have had the happines, to have preſented both an humble Petition, and Apologie to my Appeale to your Maieſtie, in mine owne perſon. But two cauſes eſpecially hindred mee: the one, Gods hand of viſitation in this Citty, which continuing ſo long and great, I durſt not make my approach to the Court, and chiefly to Your Maieſties Sacred Perſon, leaſt I might give offence: the other (and which of the twaine is much more perillous to my ſelfe) the Purſuivants continuall watch about my dore, threatning to catch

me, and make mee fast, or runne my Countrey (as he saith) so as I cannot passe in or out, without present danger. And I confesse I have small list to come into that Lions denne, Quia me vestigia terrent: *not that I am affraid of any such terror, as not conscious to my selfe of any such crime as they lay to my charge; but (as the Apostle said in the like case)* If I bee an offender, or have committed any thing worthy of death, I refuse not to dye: but if there be none of those things whereof they accuse me (*as matter of sedition*) no man may deliver mee unto them: I appeale unto Cesar. *And blessed bee God, that I have such a Christian* Cesar *to appeale unto. Neither yet have I neglected what possible, or probable meanes I could use in Court (being an old outcast Courtier, worne out of all favour and friends there) for the conveying of my said Apologie to your Majestie but in vaine. So as being now out of all hope of acquainting your Majestie with so great a cause, by that way and meanes as I desired: I am at length compelled to give forth copies, in hope at least, that some well minded man, or noble sparke, may upon the sight thereof (considering how neerely it concerneth the peace, safety, welfare, and honour of your Majestie, and Kingdome) bee inflamed with so much zeale to your Majestie, as overcomming all cowardlie feares, to dare to doe you so much worthie service, in bringing a Copie to your Majesties hand, that so you may therein read the many and great disasters and dangers, where into this your Kingdome is in a precipitancie of being inguifed, & accordingly in your Princely Prudence provide a timely remedy, before it be past hope. And the rather conceived I this way so the more necessarie, that comming haply into the hands of some of your wise and* Sage Counsellors, Davids *friends, they might be a meanes not*

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onely to bring it to your hands, but the more to ingage your Majeſtie to the peruſall of it; conſidering how many would bee readie to eaſe your Majeſtie of ſuch a commoditie: And now, my Gracious Soveraigne, as I have ever bent my chiefe Studies to doe your Majeſtie the beſt and faithfulleſt ſervice I poſſibly could: ſo I am perſuaded I could not in all my life have had a fairer and fitter opportunitie to expreſſe my fidelitie to your Majeſtie then now, in a caſe ſo important, as if your Majeſtie ſhall but take ſound notice of it, it may proove the happieſt ſervice, that ever a poore ſubiect could doe to his Prince and Countrey. Nor am I ignorant, how buſie many would be to divert your Majeſtie from the Conſideration of ſuch matters, as this; as if the great affaires of a Kingdome pertained not to the King, but that hee might take his pleaſure, and leave the care of his Kingdome to others. But my Lord the King is wiſe, as an Angell of God, conſidering whoſe vicegerent hee is, and before whoſe lawfull Tribunall hee muſt give a ſtrict account, how he hath manna-ged ſo waightie a charge of ſo many ſoules committed to his truſt. Againe, what cenſures may I expect of them, who cannot indure to have their deeds brought to the open light? They will be readie to charge me with Popularity, Faction, Sedition, and what not, and all for thus bringing their actions upon the open ſtage. But firſt, they will (I hope) excuſe me, when they ſhall reflect upon themſelves, and conſider in old blood how they have provoked mee, by their calling mee forth upon the ſtage, and by their ſtrange moleſting, and proſecuting of me, as if I were a fellon, or a traitor: and ſecondly, for as much as they declare their deeds, as Sodome, and hide them not, and with a high hand maintaine them ſo, which is the higheſt pitch of all impiety: can they with

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any reaſon blame me, for divulging their practiſes, which they ſhame not to peſter your Kingdome, and oppreſſe your good people withall, who therefore have need publickly to be warned of them, leaſt they be ſeduced by them?

But not to detaine your Maieſtie longer, bee pleaſed to read over this my Apologie of Appeale to your Maieſtie, that your Maieſtie may both diſcerne the depth of the whole buſineſſe, and may be pleaſed thereupon to reſcue your old ſervant out of thoſe troubles, which hee ſuffereth for diſcharging a good conſcience towards God, and your Maieſtie. Now the Lord give you underſtanding in all things.

Your Majeſties loyall ſubject,
and faithfull ſervant

HENRY BURTON.

TO THE KINGS MOST EXCELLENT MAIESTIE.

The humble Appeale of me Henry Burton Clerke, from the proceedings lately made in the name of some Commissioners, for causes Ecclesiasticall against mee, together with an humble Apology of the said Appeale.

THE occasion of my Appeale was upon the reading of certaine Articles unto me by the Register of the Court before Dr. Ducke and by his appointment, who there upon tendering to me the said *Henry Burton* an Oath to answere to the said Articles, I replied in these words, or to the like effect. I humbly Appeale to the Kings Majesty my Soveraigne and Patron, as my Iudge in this cause, before whom I shall be both a defendant and a complainant;

nant: for I hold it unfit, that they who are my Adversaries, should be my Iudges.

Now the reasons and grounds of this my Appeale are these following: First, the generall matter of the Articles chargeth me with seditious preaching; more particularly objecting unto me my Sermons, which I preached to my flock on the 5th of November last, upon this text of Scripture; *Pro.24.21.22. My Sonne feare thou the Lord, and the King, and meddle not with them that are given to change. For their calamity shall rise suddenly, and who knoweth the ruine of them both?* And in the Sermons sundry specialties, and those chiefely concerning divers Innovations, which my text did naturally lead me to speake of, and to reproove, to the end that my Parishioners might be admonished to beware of them, in case they should ever come to be obtruded upon them; as namely these Innovations in the Booke of Common Prayer: First in the Collect for the Queen and Royall Progeny these words are put out in the later Editions: Father of thine Elect, and of their Seed: as if they would blotte out the King, Queene and the Royall Progeny out of the number of Gods elect. Secondly, in the Epistle for the Sunday before Easter, they have put out I N, and made it A T *the name of Iesus every knee &c.* Which alteration is directly against the Act of Parliament. The second booke wherein I shewed a notorious alteration, was that, ordered by Parliament to be read on the 5th of November, in the First Collect or Thanksgiving for the happy deliverance of his Majesty, the Queene, the Prince, and the States of Parliament. For in the former booke it is thus said: *Infatuate* their *Counsell*, and root out that Babylonish and Anti-

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christian Sect, which say of Ierusalem, Downe with it, Downe with it even to the ground. But in the new book printed 1635. it is thus: *Infatuate their Counsell*, and root out that Babylonish and Antichristian Sect OF THEM, which say of Iernsalem, &c. Againe in the old booke it is said: *And to that end* strengthen the hands of our gracious King, the Nobles and Magistrates of the Land with judgement and justice to cutte off these workers of iniquity, whose Religion is Rebellion, whose Faith is Faction, &c. But in the new book they have altered it thus: And to that end strengthen the hands of our gracious King, the Nobles, and Magistrates of the Land with jndgement and justice to cutte of *THESE* workers of iniquity, *WHO TVRNE RELIGION INTO REBELLION, AND FAITH INTO FACTION.*

The third Booke, wherein they have made many alterations, is the Fast-Book set foorth by your Majesties Authority in the first yeare of your Raigne, and which your Majesty in your late Proclamation commaunded to be reprinted and published and read in Churches at this Fast: Yet notwithstanding we find these alterations in the last impression this yeare in the first Collect these words are expunged: *Thou hast delivered us from Superstition and Idolatry, wherein wee were utterly drowned, and hast brought us into the most cleare and comfortable light of thy blessed Word, by the which wee are taught how to serve and honour thee, and how to live orderly with our neighbours in truth and verity.* Also they have left out in three severall prayers the mention of the Lady *Elizabeth* your Majesties only Sister, and her issue. Also the prayer for the Navy, and

the prayer for a ſeaſonable weather. And a whole Collect beginning thus: It had been beſt for us &c. Alſo in the laſt page, *Order for the Faſt*, are theſe words left out: To avoyd the inconvenience that may grow by the abuſe of Faſting, ſome eſteeming it a meritorious worke, others a good worke, and of it ſelfe acceptable to God, without due regard of the end &c.

Againe, they charge me that I ſpake againſt altering of Communion Tables into Altars, and againſt bowing unto them, and againſt ſetting up of Crucifixes over them, and againſt ſaying a ſecond Service at the High Altar at the end of the Chancell, whence the people cannot heare, eſpecially in greater Churches; and againſt putting downe of Sermons in the afternoones upon the Lords dayes, and in ſteed thereof nothing allowed, but Catechiſing by bare Queſtion and Anſwere out of the Common Prayer Booke, without expounding the Principles of Religion layd downe in the Creed, ten Commaundements, and the Lords Prayer; ſo that the people and youth eſpecially are left in their ignorance. Alſo they charged me for ſaying, that Miniſters might not ſafely preach of the Doctrines of Grace and Salvation, and againſt the Arminians without being troubled for it. Alſo, that Miniſters in Norfolke and Suffolke were ſuſpended from their Miniſtry and meanes, for not conforming to new rites and Ceremonies impoſed upon them contrary to the Law of the Land. Theſe things, with ſundry other of like nature, were objected againſt me in the ſaid Articles, which becauſe a Copy cannot be procured from the Regiſters office, I cannot ſo punctually ſet downe; but referre unto the Articles themſelves, remaining with

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the Regiſter of the High-Commiſſion. All which Innovations expreſſed, being found by evident proofe to be moſt true, contrary to the Lawes and Statutes of the Realme, the eſtabliſhed Doctrine and Diſcipline of the Church of England, your Majeſties Declarations and Proclamations, and many of them of very dangerous conſequence, tending to juſtify and extenuate notorious treaſons and traitors, advance and uſher in Popery, Superſtition and Idolatry, and giving generall diſtaſte to all your Majeſties loyall and faithfull Subjects, who hereupon grow iealous of ſome dangerous plot now in agitation by theſe Innovators, to undermine and overthrow both our Religion & good Lawes: yet my mentioning of them in my Sermons meerly out of loyalty and duty to your Majeſty upon that ſolemne day for which they were moſt proper to warne my flocke to take heed of ſuch Innovations, as whereby Popery and Superſtition doe not onely craftily creep & ſteale in upon us, but is haled in with head and ſhoulders, is charged upon me as Sedition: Here then let your Majeſty be pleaſed to judge whither this be matter of Sedition, as for which I ſhould be ſuſpended from my Miniſtry and meanes, and openly defamed as a ſeditious perſon. As if a Shepheard admoniſhing his ſheep of the danger of the wolfe, or a watchman the City of the approach of the enemy, or a faithfull and vigilant Servant to his Prince and Country, deſcrying Cunning traitors, who under a colour of freindſhip and fidelity to the King and State doe practiſe the overthrow of both, ſhould therefore upon the outcry of the wolfe, or the complaint of the enemy, or the recrimination of the Traitors, be adjuged and condemned of Sedition,

for diſcharging that duty, which both God, and his word, and the ſoules of Gods people require of him. Thus much of the matter of the Articles, upon the very reſultancy whereof I was mooved to Appeale, as aforeſayd.

Againe, for the further illuſtration of the iuſt cauſe of my Appeale, I except againſt the incompetency of thoſe Iudges, who plainly appeare to be both parties in the cauſe, and Adverſaries to my perſon for the cauſe ſake, and therefore both by the Common, Civil, and Canon Law, yea by the very Lawes of God and Nature, which prohibit any man to be a iudge in his owne cauſe, eſpecially when the party is an enemy to him, that is to be iudged by him: and therefore by the Lawes of God and man, I have iuſt cauſe of Appeale from them unto your Royall Majeſty. Where in the firſt place, I diſtinguiſh and put a maine difference, betweene thoſe Honorable Nobles, Iudges, Counſellors of State, and other Lay perſons of the High Commiſſion, whom I except not againſt, but mention with all honorable and due reſpect, and betweene all thoſe Prelates, who are Innovators (and *eo nomine* as they are Innovators onely) together with all thoſe that have a neere relation unto them, and dependance upon them, as bearing office under them, and hoping for grace and preferment by them, which are the uſuall body of the Court, determining all cauſes brought before them.

Firſt, that theſe againſt whom I except, are parties, thus I proove; becauſe the Innovations which I charge the Innovators with, are both done by them, or by their Officers, and alſo they appeare in the cauſe, as Patrons to Defend and maintaine the ſame againſt me; ſo as

ſo as upon the very reading of the ſaid Articles, I could not but preſently apprehend, that the laying of theſe things to my charge by way of recrimination, did profeſſedly ingage them parties in the cauſe.

Secondly, becauſe they are my Adverſaries in the Cauſe; that this is ſo I proove as followeth. Firſt, becauſe they are Adverſaries to thoſe truthes delivered by me, and charged by them as matter of Sedition againſt me, which notwithſtanding I am ready to maintain againſt them with my life, although I never ſo much as once dreamed, that impiety and impudency it ſelfe in ſuch a Chriſtian State as this is, and under ſuch a gracious Prince, durſt ever thus publickely have called me in queſtion, and that upon the open ſtage, not only for the manifeſt truth of thoſe notorious and audacious Innovations contrary to the Law, but alſo (and which I can never ſufficiently admire) that theſe things ſhould be objected againſt me, which I preached upon the foreſaid text and day, alledged in the ſaid Articles, *My Sonne feare thou the Lord, and the King, &c.* Wherein, according to my duty, and the text, I ſo much urged and preſſed all maner of obedience and ſervice to God, and to the King (as all thoſe who heard me can teſtify) earneſtly admoniſhing Gods people and the Kings Subjects to beware, and not to meddle with ſuch Innovators, (as according to my text) are enemies of God and of the King, and divide between the King and his people.

Secondly, they againſt whom I except as aforeſaid, are my Adverſaries, in that they uſurpe ſuch a title of their Iuriſdiction, as connot conſiſt with that title of juriſdiction, which the Law of the Land hath annexed

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to your Imperiall Crowne, from whence all maner of Eccleſiaſticall Iuriſdiction whatſoever hath its immediate and ſole dependance and derivation, as appeareth by the Statute of *26. H. 8. c. 1. 37. H. 8. c. 17. 1. Ed. 6. c. 2. Eliz. c. 1.* and *1 Jac. c. 25.* which repealed *Queen Maries* Act. of repeale of the ſaid Statute of *Ed. 6. c. 2.* whereby the ſame Statute ſtandeth now in force. And the ſaid Statute of *1. Eliz. c. 1.* uniting all manner of Eccleſiaſticall Iuriſdiction whatſoever unto the Imperiall Crowne of this Realme, enacteth the Oath of Supremacy and Allegiance *eo nomine* to that very end and purpoſe, that none ſhould preſume to exerciſe any Eccleſiaſticall Iuriſdiction within this Realme, but by vertue of the Kings Letters Patents, and in the Kings Majeſties name and right: notwithſtanding theſe men againſt whom I except, as aforeſaid, having all of them ſeverally often ſolemnely taken the ſaid Oath of Supremacy and Allegiance, and being undoubtedly bound thereby, doe continually exerciſe their Epiſcopall Iuriſdiction without any ſuch Letters Patents of your Majeſty, or your Progenitors in their owne names and rights only, and not in your Majeſties name and right, to the manifeſt breach of their Oathes aforeſaid, and to the manifeſt uſurpation of your Majeſties right, and in high contempt of your Majeſty, contrary to your Majeſties peace, your Crowne, and dignity. And therefore under your Maieſties royall favour I account all ſuch my Adverſaries, and ſo incompetent Iudges of my cauſe aforeſaid. The rather, becauſe this very Act, which they thus notoriouſly tranſgreſſe, is the ground whereupon their Commiſſion in cauſes Eccleſiaſticall is erected, and that principally for

for the better obſervation of the ſaid Act, and the puniſhment of all Delinquents againſt it, as appeares by all the Commiſſions Eccleſiaſticall into which this clauſe of the Statute is inſerted. Now if theſe men thus dayly infringe this Act themſelves, and ſo abuſe that very power and Commiſſion by which they now claime to be my Iudges, in affront of your Majeſties royall Iuriſdiction, what indifferent juſtice I may expect from them, I humbly referre unto your Majeſties juſt and royall conſideration.

Thirdly, they who are adverſaries of God and of the King, are my Adverſaries; But all Innovators either in matters of Religion, or of the Common-weale, are Adverſaries of God, and of the King: therefore they are my Adverſaries. The firſt Propoſition, no good Chriſtian, or loyall Subject will deny, but that the Adverſaries of God, and of the King, are his Adverſaries. And for the other Propoſition, the text prooveth it: for Innovators are there oppoſed to the feare of the Lord, and of the King. And thoſe men againſt whom I have excepted, as aforeſaid, either are the Innovators themſelves, or chiefe Authors, Abbetters, or Countenancers of thoſe Innovations; and therefore they are my Adverſaries, and ſo incompetent Iudges of my Cauſe.

Fourthly, they are my Adverſaries for this reaſon or argument. They which are Chriſts enemies, are my enemies. But theſe are Chriſts enemies: therefore my enemies. That they are Chriſts enemies, I proove. They who oppoſe the word of God in the Miniſtry of it, in ſtopping the mouthes of Gods Miniſters and perſecuting of them without and againſt all Law, are Chriſts

enemies. But theſe doe ſo. Therefore &c. That they doe ſo is cleare by their practiſe, which will aboundantly appeare upon due examination.

Fiftly, they who are the Kings enemies, are my enemies. But theſe Innovators, by overturning the State of Religion, in bringing in their new Superſtitious rites and Ceremonies, whereby both God is juſtly incenſed to wrath againſt the Land, and the peace of the ſame is diſturbed, are the Kings enemies. Therefore they are my enemies. They are the Kings enemies, that openly and affrontingly with a high hand and ſhameleſſe forhead tranſgreſſe and oppoſe his Majeſties royall Lawes, Proclamations and Declarations againſt all Innovations in matters of Religion &c. And thereby diſturbe the peace of his Majeſties Kingdome, and weaken the State therof diſtracting the peoples hearts, by making them both to feele their preſent oppreſſions eſpecially upon their Conſciences, and to feare the utter ſubverſion of the true Religion by your Majeſties Lawes eſtabliſhed amongſt us. Againe, they who with all their might and maine perſecute and oppugne thoſe faithfull, loyall Subjects, Miniſters and people who moſt plead and ſtand for his Majeſties juſt and royall Prerogative in Cauſes Eccleſiaſticall, his Lawes, Declarations, Proclamations, and the eſtabliſhed Doctrine and Religion of Chriſt in the Church of England, and moſt oppoſe all Innovations, and enemies to them, muſt needs be the Kings enemies. But thus doe thoſe from whom I Appeale. Therefore they are the Kings enemies and ſo mine. This ſuffice to proove thoſe my Adverſaries, and ſo incompetent Iudges of me and of my Cauſe.

Finally,

Finally, I have juſt cauſe to appeale from thoſe Commiſſioners excepted againſt unto your royall Majeſty, for their illegality, which I have obſerved in their Proceedings partly in their uſuall practiſe, and partly in this preſent cauſe. Firſt for their uſuall practiſe, and that in adminiſtring the Oath, which they terme *Ex officio*, in which they tranſgreſſe in theſe particulars. Firſt, in forceing the ſame upon men before any Copy given them of the Libell or Articles exhibited againſt them, yea for the moſt part before any Articles drawne, upon their very firſt appearance: whereas in all other your Majeſties Courts of Iuſtice, no Oath is either exacted or adminiſtred, till after a Copy of the Information or Bill delivered to the party and his anſwere thereunto drawne up and ingroſſed by adviſe of counſell upon the putting in of his Anſwere into the Court and not before: which as it is contrary to the very Commiſſion it ſelfe, which expreſſely limits them to adminiſter Oathes in ſuch manner and forme as is uſed in the Chauncery before the Maſters thereof, where no man is forced to take an Oath, till the putting in of his anſwere to the Bill or Plaint againſt him: So as it deprives him of the uſe and benefit of Law, by way of demurrer unto the Articles, if there be occaſion: no party being inforced, either in Star-chamber, or any other Court of Iuſtice in the Realme, to take anſwere, where there is juſt cauſe of Demurrer, but puts in a Demurrer by adviſe of counſell, without any Oath at all. And his ſo taking of a raſh Oath, is directly againſt the 39. Article of our Religion: *Of a Chriſtian mans Oath:* In theſe words: *As we confeſſe that vaine and raſh ſwearing is forbidden Chriſtian men &c. So we judge, that Chri-*

ſtian Religion doth not prohibit, but that a man may ſweare when the Magiſtrate requireth in a cauſe of faith, and charity ſo it be done according to the Trophets teaching in juſtice, judgement and truth : Now ſuch ſwearing to what a man knoweth not, is vaine and raſh. It is alſo againſt faith and charity, when the Oath is extended to accuſe a mans ſelfe, or his neighbour unlawfully. Secondly in making the Oath which they adminiſter, an uſuall ſnare to thoſe which take it. For although it be pretented, that thereby they are bound to anſwere to Articles in Court againſt them no further then the Law of the Land binds them, yet being taken, they preſſe it upon the mans conſcience to anſwere in thoſe things, which neither Law nor conſcience bindes him unto. And in caſe hee ſhall except againſt any Article, as not bound by Law to anſwere it, then they take it *pro confeſſo*, and ſo (although it be for accuſing himſelfe, or others, wherein he ought not, being a breach of charity and of that *Maxime, Nemo tenetur prodere ſeipſum* : and contrary to all Lawes of God and man) they illegally proceed to ſentence without any juſt or further proofe of the things objected.

Moreover, their proceeding is illegall, in that the Deponent is not permitted to have a Copy of the Articles againſt him, and to anſwere them by the adviſe of counſell, as in all other Courts of Iuſtice within the Kingdome hath ever beene uſed, but muſt make a ſuddaine anſwere without adviſe of councell, wherein men commonly through ignorance of the Law, ambiguity of certaine termes, and captious Interrogatories, are inforced to inſnare themſelves even in caſes wherein they are Innocent.

Beſides

Beſides all this, after their firſt Articles, whereby they often draw men unto the Oath, when they ſee they cannot have the advantage, of them, thereby, they put in Additionals, and Additionals upon Additionals contrary to the courſe of Iuſtice in all other your Majeſties Courts within the Realme, which admitt of no addition to the firſt Bill, Indictement, or information exhibited, after anſwer given to it, leaſt cauſes ſhould be infinitely protracted, and men continually vexed, whereby many of your Subjects are there intolerably grieved and oppreſſed, their cauſes protracted, expenſes multiplied, and ſo never given over or diſmiſſed the Court, till they have brought them into their lurch. And in fine, their impoſing of fines, and impriſoning in ſuch caſes and for ſuch matters, as they neither may nor ought to doe by Law. Thus for their illegalities in their uſual proceedings.

Secondly, their illegality in this their proceeding againſt me in particular is a juſt cauſe of my Appeale; which conſiſt of two particulars: Firſt, in the ſubject matter of the Articles objected againſt me, which themſelves terme therein Sedition, of which (admit it true) yet they have no cogniſance in point of Law, Sedition being no Eccleſiaſticall offence againſt the Church, but a Civill againſt the King and State; and therefore to be tryed onely in your Majeſties Courts of Civil Iuſtice, and not before the Eccleſiaſticall Commiſſioners, who have no cogniſance of it. And therefore the Apoſtle *Paul*, when he was moſt unjuſtly accuſed (as I am now) by *Ananias*

the High Preist with the Elders, and Tertullus their Advocate, that they had found him a pestilent fellow, and a mover of *Sedition* among all the Iewes throughout the world, and a Ring-leader of the Sect of the Nazarens (*Acts* 24. 5.) they did not convent him before them in their *Ecclesiasticall* Consistory, but before Fælix the Governour a temporall Magistrate, knowing well, that Sedition was not an *Ecclesiasticall*, but a Civill offence, of which Paul there purged himselfe, without being put to any *Ex officio Oath*, putting them to proove the crime objected by witnesses, saying, *Neither can they proove the things, whereof they now accuse me*: as I presume my Accusers likewise cannot doe in any Court of Iustice against me. Since therefore they are so unjust as to question and Article against me for Sedition, of which they have no cognisance, I conceive it to be a *gravamen*, and so a just cause of Appeale from them.

First, in the manner of their proceeding against me, which hath beene very exorbitant, illegall, and extraordinary, in these particulars. First, in serving me with a Citation to appeare onely before one single Commissioner at his private house, when and where there was not thẽ, nor ever hath been heretofore any High Commission kept; whereas all appearances are to be made in Court; and there tendring me Articles and an Oath to answere to them, contrary to the Law, and their owne usuall course.

Secondly in excluding my neighbours and friends that accompanied me thither, out of the house, that they might not heare, or see what was done, and tendering me both the Articles and the Oath in a private roome where Dr. *Ducke* & the Register only were present:

ſent : Whereas all Courts of Iuſtice ought to be publicke, that all that will may ſee and know their proceedings, in them, and not in a corner.

Thirdly in tendering me an *Ex officio Oath*, to anſwere and accuſe my ſelfe, in a matter of *Sedition*, (which if true) might call not only, my reputation, but alſo my life & liberty into queſtion; whereas Whitgift Archbiſhop of Canterbury in the Conference at Hampton Court, printed by Authority, there publickly averred, that in *matter of life, liberty or ſcandall*, it is not the courſe of that court to require any ſuch Oath, or to inforce any man that hath taken the Oath, to anſwere to any ſuch Articles. And Paul himſelfe, when he was accuſed for Sedition by Ananias the High Preiſt & Tertullus, was neither required nor inforced to take any ſuch Oath, as appeares by *Acts* 25.

Fourthly, in that they would inforce me to anſwere upon Oath, and bring in a Copy of what I publickly preached in my Pariſh Church, which I conceive I am not bound by the Law of God or man to doe, nor ought they to require. For (*John* the 18.19.20.21.22.23.) when the High Prieſt asked Ieſus (being convented before him) of his Diſciples, and of his Doctrine : Ieſus anſwered him, ſaying, *I ſpake openly to the world, I ever taught in the Synagogue and in the Temple, whither the Jewes alwayes reſort, and in ſecret have I ſaid nothing. Why askeſt thou me? Aske them which heard me what I have ſaid unto them. Behold they know what I ſaid. And when he had thus ſpoken, one of the officers which ſtood by, ſtrooke Ieſus with the palme of his hand, ſaying, Anſwereſt thou the high Prieſts ſo? Ieſus anſwered him: If I haue ſpoken evill, beare witneſſe of the euill, but if well, why ſmiteſt thou me?*

me? A plaine teſtimony from our Saviours owne Doctrine and Example (which no man can condemne as unjuſt or illegall) that no Miniſter ought to be put ſo much as to give an anſwere, much leſſe a Copy of what he publikely preached in the Church, and that upon Oath to prejudice or accuſe himſelfe thereby, but what ever he delivered, ought to be prooved by witneſſes, that heard him: and the High Prieſt being ſatiſfied with this anſwere of our Saviour, I hope no High-Commiſſioner, but ought to have reſted ſatisfied with the like from me, though as yet they ſtill proceed to preſſe me to an Oath.

Fiftly, in calling a private Commiſſion out of Terme, in or neere Dr. *Duckes* private Chamber at Doctors *Commons*, and no publick Court, and there proceeding to ſuſpend me in my abſence, under pretence of a contempt in not appearing before them, when as firſt I had no lawfull Citation under Seale then and there to appeare. Secondly, no ſufficient legall notice of the time and place of the ſaid Commiſſioners meeting, and ſo was not bound by Law to appeare before them, eſpecially in a Corner, out of Terme, in an unuſuall manner.

Sixtly in ſuſpending me, notwithſtanding my Appeale to your Sacred Majeſty entred formerly at Dr. *Duckes* houſe at Cheſwick by their owne Regiſter before the ſaid ſuſpenſion, of which my Appeale, being regiſtred in the Court, they ought all to have taken notice.

Seaventhly, in ſuſpending me againſt all Law and Iuſtice, both from my Office and Benefice, in my abſence, as if formerly lawfully convented before them, and publiſhing

bliſhing the ſaid ſuſpenſion in an unuſuall manner in my Pariſh Church, and commaunding all Parſons, Vicars, Curats, Clerkes and Miniſters within the City of London to whom the ſaid ſuſpenſion is directed upon the Sunday next, and immediately following the receipt thereof, openly to publiſh and declare me to be ſuſpended both from my Office and Benefice in their ſeverall Pariſh Churches, when the Congregation ſhalbe then and there aſſembled to my intollerable diſgrace and ſcandall.

Eightly in taxing and condemning me of Sedition, and other miſdemeaners in their ſaid ſuſpenſion, before either heareing my Anſwere, or the Cauſe.

Ninthly, in denying me a Copy of the Articles exhibited againſt me, to perfect this my Appeale to your Majeſty by, and to annex them thereunto and refuſing to give me a Copy of the Acts of the Court and proceedings againſt me, though I have often ſent for them.

Theſe, my moſt Gratious Soveraigne, are the grounds and reaſons of my Appeale from the ſaid Commiſſioners excepted againſt, to your Majeſty, my Soveraigne Lord and Patron, which together with my perſon and cauſe I here humbly proſtrate at your Majeſties Royall feet, imploring the juſtice of your Royall Throne (which is eſtabliſhed by righteouſneſſe) and that in ſo important a Cauſe of God and of the King, which I am certain you will never deny to your meaneſt Subject, much leſſe to your auncient Servant and dayly Orator to the Throne of Grace,

HENRY BURTON.

TO ALL THE TRUE-HEARTED NOBILITY OF HIS MAIESTIES Most Honorable Privy Councell.

MY HONORABLE LORDS,

Expect not here from mee the Court language or dialect; it will not ſuit my perſon, much leſſe the cauſe, which here I preſent to your Honors; being ſuch a cauſe, as I know not how the Court ſpirit will reliſh it, much leſſe digeſt it. Let me therefore be bould in the firſt place, to awaken thoſe Noble ſpirits (if haply either layd and luld a ſleepe by the inchantments of theſe preſent times, or otherwiſe ſmothered under the heape of Court imployments, and the like) yea ſpirits heavenly inſpired, which reſpiring a while, and retiring into the cloſet of your inmoſt Muſe, may ſummon all your cares and powers to the ſad and ſolid conſideration of a cauſe ſo important, as (all circumſtances & conſequences well weighed) I dare ſay, the like hath not come upon the ſtage for theſe many yeares; being a cauſe ſo much concerning the honor of

God,

God, the peace, welfare, and honour of the King, the State of Religion and of the Commonweale by good Lawes established, the liberty of our consciences, and the honour of your Lordships, being Peeres of the Realme, Counsellors of State, & so pillars of the Kings Throane, of Religion, and of the Republique; all which doe now exceedingly suffer, and are terribly shaken, yea ready to fall to ground, if not prevented by some speedy and effectuall remedy. And whence should remedy be expected, (but next unto God) from his Sacred Majestie, and from his prudent and faithfull Counsellors of State, the great chariots and horsemen of Israel? To the end therefore, that his Majestie may take notice of so weighty a cause in hand, and lay it to heart, and strengthen his hands with Iustice to vindicate his honor therein, I have humbly addressed my selfe to his Majestie both by petition and Appeale, and next to your Honors by way both of information and of sollicitation to give your eies no sleepe, till you have effectually moved his Majesty to a serious consideration of such a cause, that so neerely concerneth the weale or woe of this Kingdome. Not that I take upon mee to judge of such high matters, but that his Majesty would bee pleased to weigh the cause in the just scales of his mature wisedome, and unpartiall judgement (all respect of persons layd aside) and also consult his sage Senators therein, that some thing may be forthwith resolved on, and set on foot, for the preventing (if possible) of the imminent ruines both of Church and State: Nor let this motion be contemned, because it commes from so meane a person, as (in the worlds opinion) a poore Minister of Christ. Certainely, I am one of the watchmen of Israel

(though the meaneſt) yet one who hath obteined mercy to bee faithfull. Nor have I inconſiderately or raſhly ruſhed upon this buſineſſe, but have been by a ſtrong hand drawne into it. Yea, my Lords, know aſſuredly, that Chriſt himſelfe, my great Lord & Maſter, hath called me forth to be a publique witneſſe of this great cauſe, who will certainely maintaine both it and me againſt all the Adverſaries of God and of the King. And being ſo, doth not the ſame Lord Ieſus Chriſt, the King of Kings, and Lord of Lords, call both the King, your Honors and all his Nobles and worthies to lay to heart ſuch a cauſe as this, if with the whole Realme you will not be brought backe againe under the Papall and Antichriſtian yoake, which, were ever it cõmeth, Lordeth, and tyrannizeth over ſoules, bodies, conſciences, goods, lawes, and Liberties? What? ſhall we ſee Religion overturned, the Lawes out lawed, our Liberties captived, Chriſt Kingdome and the Kings throane together undermyned, and Antichriſts throane exalted ouer us, and that by a Faction of Ieſuited Poly-pragmatiques, and wee like heartleſſe doves ſitt trembling while the Hagards doe outdare us, as if we were made for nothing els, but for them to prey upon? Certainely if wee thus ſit us downe, and hide us under the hatches, while the Romiſh Pyrates doe ſurpriſe our Ship and cut our throaths, and caſt us overboard, what volumes will be ſufficient to Chronicle to poſterity the baſeneſſe of Degenerate Engliſh Spirits, become ſo unchriſtianized, as to ſett up Antichriſt above Chriſt, and his anoynted, and to ſuffer our ſelves to be cheated and noſe-wiped of our Religion, Lawes, Liberties, and all our Glory, and that by a ſorte of

bould

bould Romish * Mountebanks and Iuglers?

* *Such as Francis à Sancta Clara, and other his Iesuiticall Complices.*

Obiection. But some will obiect, what doth this concerne any of the Laity. Doe not matters of Religion properly pertaine to the Clergy? Have not they all the power and Authority to determine such matters? *Tractent fabrilia fabri*, will they say.

Answer. O egregious and pernicious errour! The Clergy only (by which they meane the Church, and by the Church the Bishops) to have power in matters of Religion to determine them? As if lay persons, who are Christians, be not members of the Church of Christ, & Gods peculiar people, and inheritance. Againe, what should become of our Parliamentary Lawes, by which our Religion hath been established, and the Popish abolished? Or what shall become of our Religion so established, if the Authority thereof must now depend only upon the Clergy, and that Clergy for the most part dependes upō the authority of one, who exerciseth a kinde of Papall power in determining matters of Religion? Then how easy were it for one Arch-Bishop of Canterbury (if he be possessed with a Papall spirit, and zeale for Popery, & should have great favour & power in Court) in one assembly of Prelates, at one clap to overthrow all our religion by Law established, and to set up againe the whole body of Popish superstition and Idolatry? Moreover, why should it be unlawfull for lay persons, Nobles, and others, to looke into matters of Religion within the limits of their calling, whether generall, as Christians, or speciall, as members of the commonweale; when Clergy men dare (in affront to Gods Word, to Christs Doctrine and example, and of his Apostles, to all Councels and Canons whatsoever) usurpe & take upō them to intermeddle in the managing

even of the higheſt and weightieſt affaires of Princes, States, and temporall Kingdomes, which is incompatible with the miniſteriall function? Againe, have not all Chriſtians ſoules to ſave? and are not thoſe of *Berea** indigitated in Scripture, as being *more honourable then others, in ſearching the Scriptures dayly, whether thoſe things were ſo, which even the Apoſtle Paul himſelfe did teach?* And are not all Chriſtians themſelves enjoyned to *try the ſpirits, whether they bee of God?* And the rather, *becauſe many falſe** *Prophets are gone out into the world*, 1. *John* 4. 1? And are not all Chriſtians ſo to know the Scriptures, as *if any teach** *otherwiſe, yea though Angell from heaven, to hould him accurſed*, *Gal.* 1. 8? And are we not all Chriſtians? And if every Chriſtian how mene ſoever ſhould have a care of his owne ſoule, and not to pinne it upon any ones ſleeve, as not knowing whither hee may carry it; how much more every great man, that is in high place, and hath greater gifts of knowledge, and is *in** *eſtimation for wiſdome and glory*? It is a Ieſuiticall principle, and that very myſtery of iniquity, which ſupports Antichriſts throane, to require or render blinde obedience to the dictates of the Church, *alias*, of the Pope, or Prelate, or Prieſt, then which ſervitude and ſpirituall bondage none in the world is more vile and baſe, none more perillous and pernicious. Thus *the** *blind leading the blinde, both fall into the ditch*: thus *the Pope carrying with him ſelfe millions of ſoules to be tormented with the great Divell, and none to reproove him for it* (as their owne *Decretalls* ſay) what amends will this bee to thoſe ſoules thus miſerably deceived by him? So as this new doctrine of the Ieſuites, ſo much cryed up now adayes in Pamphlets

* *Acts* 17. 11. 12.

* 1. *Ioh.* 4. 1.

* *Galat.* 1. 8.

* *Eccleſ.* 10. 1.

* *Math.* 15. 14.

phlets and Pulpits, thereby to captivate the faith and Conscience of all the Laity, yea and of all inferior Ministers to the dictates of the Metropolitan chaire, is nothing els, but that prime Article of the Antichristian and Papall Creed, to overturne all the Articles of our Christian Faith. And if this Iesuiticall Doctrine be creapt into the Court, and there beginne to Lord it, the Lord himselfe roote it up, and cast it out. But your honors *have not so learned Christ*, as thus to come under Antichrists Babilonian yoake. And therefore in the name of Christ rowse up your noble & Christian zeale, and magnanimous courage for the truth, and now sticke close to God and to the King, in *helping the* * *Lord* and his Annoynted *against the Mighty*, and *earnestly contend for the maintenance of that Faith* * *and Religion*, *which was once delivered to the Saints*, and hath beene sealed with the blood of so many holy Martyrs, and transmitted downe to us from our worthy Progenitors, and whereof our gacious King is intituled the *Defender*, and hath in sundry his royall *Declarations* and *Proclamations* solemnely protested, *that hee will never suffer the least Innovation*, and which also your Honors have bound your selves not onely as Christians in your Baptisme, but as Counsellers and Statesmen by Oath to maintaine, not suffering any forraigne or other exorbitant and usurped power to be exalted over this Land in any other Iurisdiction Ecclesiasticall, then is by the Law annexed to the Imperiall Crowne of this Realme. To conclude, the Cause both of my petition and Appeale to his Majesty, is this, That usurpers and Innovators of Religion, and of the Lawes of the Land, being occasionally and justly charged by me in my sermons (as here your Honors,

Ephes. 4. 20.

* *Iudges* 5. 23.

* *Iude* 3.

Honors may ſee) may be inquired on, & called to a ſtrict account. And the rather whē now they ſhew by their recrimination in the articles objected againſt me, how ready they are openly vpon the ſtage to maintaine with an high hand thoſe their uſurpations & Innovatiōs: Which as it cannot be without impiety, ſo much as once imagined, that his Majeſty would euer countenance, againſt ſo many ſolemne proteſtations to the contrary: So it cannot be without horror conceived, into what devouring gulfes they muſt needs precipitate this otherwiſe godly State, if with Gods good help the King & State ioyntly and ſpeedily put not to their maine ſtrength to ſtay it. All the world ſeeth in what a diſtracted eſtate things doe ſtand, and what a cloude of divine diſpleaſure hangs over us, how ill wee thrive in our affaires, how heavily the chariots are driven. And can we wonder but that God ſhould blaſt all our beauty and glory, if men of Beliall, of that lawleſſe one, be ſuffered to make havocke of Chriſts Kingdome, to deſtroy the true Religion, and to ſet up againe Popiſh ſuperſtition and idolatry over the Land? Certainely, if ſuch be ſuffered to goe on thus, as they doe, God muſt needs deſtroy us. Therfore my honorable Lords, give me leave againe and againe to preſſe this upon your Honors, as a mayne ſeruice which you owe both to God, to the King, to Religion, and ſo to your Poſterities, and to the whole State, that your Honors will uſe your beſt meanes throughly to acquaint and poſſeſſe the King with this weighty buſineſſe; That upon the ſight thereof his wiſedome, directed by Gods ſpirit, may finde out a ſpeedy courſe for the remooving of thoſe intollerable greiuances vnder which his whole Kingdome groaneth,

ready